

REMARKS

Independent claims 1 and 15 have been amended to address the 101 rejection, and independent claims 1, 8 and 15 have been amended to better define the invention over the prior art. Claims 27 and 28 have been added. No new matter has been entered by any of the foregoing amendments.

Independent claims 1 and 15 have been amended to address the 101 rejection in accordance with the telephone conversation with the Examiner, held on March 11, 2010. Independent claims 1 and 15 now recite, in part, "a method of using a computer device."

Turning to the rejection of claims 1, 4, 5, 8, 11, 12, 15, 18, 19, and 21-26 under 35 USC §102(b) as being anticipated by U.S. Patent 6,174,633 to Tounai, independent claims 1, 8 and 15, as amended, require, in part, "wherein the quantity of sampling points on the edge of said first pattern in the first area is different than the quantity of sampling points on the edge of said first pattern in the second area." Tounai fails to disclose this feature.

Specifically, Tounai fails to teach the step of determining sampling points on an edge of said first pattern. Rather, Tounai only teaches that a computer 66 locates *first and second corners* 17 and 18 of the interconnect 11, as illustrated in FIG. 4 (Col. 3, lines 39-42). Thus, Tounai teaches that the sampling points are on the corners of the interconnect 11, not the edges, as required by claims 1, 8 and 15. See also FIG. 4 and the corresponding passages of the specification that specifies that the sampling points are on an edge of the designed pattern, not at the corner of the designed pattern. *See*, also, Page 14, lines 14-23 of the subject application. This distinction is more than a matter of design, since the sampling points are located on the edge of the first pattern in locations that corresponds to portions 12, 13, 13b and 14. *See* FIGS. 3A-3D. Furthermore, Applicant teaches "it is necessary to select sampling points at appropriate

locations in testing a mask pattern, taking a structure of a semiconductor integrated circuit as a final product into consideration.” See Page 3, lines 21-30.

Tounai also fails to teach of different quantities of sampling points between a first area and a second area. FIG. 4 specifies, and Tounai teaches in at least Col. 3, lines 39-50, that the sampling points are selected at corners 17 and 18. Thus, there is no difference in the quantities of sampling points, as Tounai teaches that only one sampling point is selected at corner 17 and only one sampling point is selected at corner 18. Figure 6 of Tounai also supports a finding that only one sampling point is selected for each corner. Tounai fails to teach, disclose or otherwise suggest that more than one sampling point is selected at either corner. In comparison, claims 1, 8 and 15 require, and FIG. 4 illustrates, a different quantity of sampling points in a first area than in a second area. For example, there are two sampling points 16A in area 13, whereas there is only one sampling point 17 in area 14. Therefore, as Tounai fails to teach this feature of claims 1, 8 and 15, the rejection is in error. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 4, 5, 11, 12, 18, 19, and 21-26 depend from claims 1, 8 or 15 as the case may be, and are allowable over the art for the same reasons that claims 1, 8 and 15 are allowable, as well as for their own additional limitations.

In addition, Applicant notes that the references used with the §103 rejection, Tsudaka and Miyazaki, also fail to teach or disclose this limitation of claims 1, 8 and 15. Specifically, Tsudaka teaches only one sampling point per area (see FIGS. 8, 9, 13, 16, 17, 21, 26, 27, 33 and 34) and Miyazaki fails to disclose any discussion of a quantity of sampling points within a particular area.

HAYES SOLOWAY P.C.  
3450 E. SUNRISE DRIVE,  
SUITE 140  
TUCSON, AZ 85718  
TEL. 520.882.7623  
FAX. 520.882.7643

175 CANAL STREET  
MANCHESTER, NH 03101  
TEL. 603.668.1400  
FAX. 603.668.8567

The rejection of claims 2, 3, 9, 10, 16 and 17 under 35 USC §103(a) as being unpatentable over Tounai in view of U.S. Patent 5,991,006 to Tsudaka also is in error. The rejected claims depend from one of independent claims 1, 8 and 15. As discussed above with respect to claims 1, 8 and 15, Tounai fails to support the anticipation rejection. Even assuming *arguendo* that Tsudaka teaches Nth sampling points located in the Nth area, Tsudaka does not overcome the deficiencies of Tounai. Thus, each of claims 2, 3, 9, 10, 16 and 17 are allowable over the art as being dependent upon an allowable independent claim, as well as for their own limitations.

The rejection of claims 6, 7, 13, 14 and 20 under 35 USC §103(a) as being unpatentable over Tounai in view of U.S. Patent 6,665,858 to Miyazaki also is in error. The rejected claims depend from one of independent claims 1, 8 and 15. As discussed above with respect to claims 1, 8 and 15, Tounai fails to support the anticipation rejection. Even assuming *arguendo* that the Examiner's interpretation of Miyazaki is correct, Miyazaki does not overcome the deficiencies of Tounai. Thus, each of claims 6, 7, 13, 14 and 20 are allowable over the art as being dependent upon an allowable independent claim, as well as for their own limitations.

Claims 27 and 28 have been added to clarify the invention, and to better define the invention over the prior art. No new matter was entered. A quick and thorough examination is respectfully requested.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action is respectfully requested.

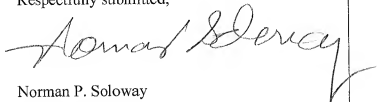
Credit card payment in the amount of \$1,354.00 is being submitted via efs-web.

HAYES SOLOWAY P.C.  
3450 E. SUNRISE DRIVE,  
SUITE 140  
TUCSON, AZ 85718  
TEL. 520.882.7623  
FAX. 520.882.7643

175 CANAL STREET  
MANCHESTER, NH 03101  
TEL. 603.668.1400  
FAX. 603.668.8567

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

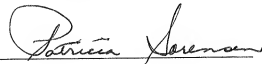
Respectfully submitted,



Norman P. Soloway  
Attorney for Applicant  
Reg. No. 24,315  
Customer No. 27,667

**CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that this correspondence is being deposited with the United States Patent Office via the electronic filing procedure on April 21, 2010.

By: 

NPS:TAS:jah/sb:ps

HAYES SOLOWAY P.C.  
3450 E. SUNRISE DRIVE,  
SUITE 140  
TUCSON, AZ 85718  
TEL. 520.882.7623  
FAX. 520.882.7643

175 CANAL STREET  
MANCHESTER, NH 03101  
TEL. 603.668.1400  
FAX. 603.668.8567